

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE TORRES,

Defendant.

Case No. 2:20-cr-00418 (BRM)

ORDER

THIS MATTER is before the Court following the filing of several motions filed by Defendant Jose Torres (“Defendant”).

IT APPEARING THAT:

1. On August 24, 2022, Defendant filed¹ a Motion to Correct Facts Surrounding Changes in Phone Numbers. (ECF No. 173.) Defendant also filed: a Motion to Proceed Under Hybrid Representation² (ECF No. 174); a Motion to Reopen the Appearance of a Conflict of Interest Based on “Newly Discovered Evidence” (ECF No. 174-1); and a Motion for Reconsideration of the Order on Motion *in Limine* (ECF Nos. 174-3, 174-4).³

¹ Defendant presented paper copies of his motions to the Court during a hearing held on August 23, 2022, which were transmitted to the Clerk of the Court for filing. Defendant was represented by counsel at the hearing.

² Defendant moves to proceed under hybrid representation or, in the alternative, to proceed pro se with standby counsel. (ECF No. 174 at 1–2.) Defendant also seeks other forms of relief, including but not limited to the retention of experts, trial transcripts, discovery, access to a private investigator, a limitation at trial to use of the word “victim,” and access to both the daily trial transcripts and the law library at the Essex County Jail. (*Id.* at 2–3.) Defendant also reiterates his request for reconsideration of the Opinion and Order addressing the parties’ *in limine* motions. (*Id.* at 2.)

³ Defendant also filed a copy of a civil action complaint, captioned *Torres v. Sher Tremonte LLP, et al.*, Civ. A. No. 22-4462 (D.N.J.) (ECF No. 174-2; *see also* ECF No. 177), as well as a Sur-reply to the Government’s Response to Motion for Temporary Release (ECF No. 174-5). Defendant’s

2. On August 30, 2022, Defendant filed a letter in further support of the various motions filed at ECF No. 174. (ECF No. 175.)

3. On September 19, 2022. Defendant filed a Letter Motion to Vacate Protective Order. (ECF No. 178.)

4. On September 23, 2022, Defendant filed a letter requesting access to the law library. (ECF No. 181.)

5. Defendant is currently represented by counsel. A person who is represented by counsel may not engage in “hybrid representation” by acting *pro se* while represented. *See United States v. Turner*, 677 F.3d 570, 578 (3d Cir. 2012) (quoting *McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984)) (“Pro se litigants have no right to ‘hybrid representation’ because ‘[a] defendant does not have a constitutional right to choreograph special appearances by counsel.’”).

IT IS on this 27th day of September 2022,

ORDERED that the Government shall file any response to Defendant’s motion to proceed under hybrid representation, or, in the alternative, to proceed *pro se* with standby counsel, on or before October 28, 2022; and

ORDERED that the Defendant shall file any reply on or before November 30, 2022; and

ORDERED that Defendant’s various requests for relief, including but not limited to the retention of experts, discovery, access to a private investigator, a limitation at trial to use of the word “victim,” access to transcripts and the law library at the Essex County Jail, the Motion to Correct Facts Surrounding Changes in Phone Numbers (ECF No. 173), Motion to Reopen the Appearance of a Conflict of Interest Based on “Newly Discovered Evidence” (ECF No. 174-1),

request for release from custody (ECF No. 168) was denied without prejudice at the August 23, 2022 hearing (*see* ECF No. 172).

Motion for Reconsideration of the Order on Motion *in Limine* (ECF Nos. 174-3, 174-4), and Letter Motion to Vacate Protective Order (ECF No. 178) are **DISMISSED WITHOUT PREJUDICE** pending resolution of Defendant's motion to proceed under hybrid representation/*pro se* with standby counsel; and

ORDERED that Defendant shall make the request for law library access to the Essex County Correctional Facility; and

ORDERED that, pending resolution of Defendant's motion to proceed under hybrid representation/*pro se* with standby counsel, any requests for relief shall be filed by Defense counsel; and

ORDERED that the Clerk's Office shall mail a copy of this Order to Defendant by regular mail at his last known address.



HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE